



# PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

**Agency:** Employment Security Department

- ☒ **Preproposal Statement of Inquiry was filed as WSR 10-16-036** ; or  
☐ **Expedited Rule Making--Proposed notice was filed as WSR** ; or  
☐ **Proposal is exempt under RCW 34.05.310(4).**

- ☒ **Original Notice**  
☐ **Supplemental Notice to WSR** \_\_\_\_\_  
☐ **Continuance of WSR** \_\_\_\_\_

**Title of rule and other identifying information:** (Describe Subject) Amending WAC 192-320-035 and adopting new WAC 192-320-036, How are unemployment insurance tax rates determined for employers who are delinquent on taxes or reports (through rate year 2010/beginning in rate year 2011)?

**Hearing location(s):** Employment Security Department,  
 Maple Leaf Conference Room,  
 2<sup>nd</sup> Floor,  
 212 Maple Park Drive  
 Olympia, WA

Date: Nov. 9, 2010 Time: 10:30 AM

**Date of intended adoption:** Nov. 12, 2010  
 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Pamela Ames  
 Address: P.O. Box 9046  
 Olympia, WA 98507-9046  
 e-mail pames@esd.wa.gov  
 fax (360) 902-9799 by (date) Nov. 8, 2010

**Assistance for persons with disabilities:** Contact

Tammy Crawford by Nov. 7, 2010  
 TTY (360) 902-9569 or ( 360 ) 902-9577

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Implements Ch. 72, Laws of 2010 (SSB 6524), sec. 1, by limiting WAC 192-320-035 through rate year 2010 and adopting WAC 192-320-036 for rate years beginning in 2011. The new WAC implements the law restructuring the unemployment insurance tax rate for employers who are delinquent in paying their taxes and filing reports.

**Reasons supporting proposal:** The rule alters the formula for calculating unemployment insurance tax rates for delinquent employers consistent with SSB 6524.

**Statutory authority for adoption:** RCW 50.12.010, 50.12.040

**Statute being implemented:** RCW 50.29.025

**Is rule necessary because of a:**

- Federal Law? ☐ Yes ☒ No  
 Federal Court Decision? ☐ Yes ☒ No  
 State Court Decision? ☐ Yes ☒ No  
 If yes, CITATION:

**DATE**  
 October 5, 2010

**NAME** (type or print)  
 Paul Trause

**SIGNATURE** *Paul Trause*

**TITLE** Commissioner

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

**DATE:** October 06, 2010

**TIME:** 10:19 AM

**WSR 10-20-157**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Name of proponent:** (person or organization) Employment Security Dept.

☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Art Wang	212 Maple Park Dr., Olympia, WA	(360) 902-9587
Implementation....Nan Thomas	212 Maple Park Dr., Olympia, WA	(360) 902-9303
Enforcement.....Nan Thomas	212 Maple Park Dr., Olympia, WA	(360) 902-9303

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No. Explain why no statement was prepared.

The proposed rule will not impose more than minor costs on businesses, nor will there be a disproportionate impact on small business. Any business costs associated with the rule are the result of the underlying legislation.

**Is a cost-benefit analysis required under RCW 34.05.328?**

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Juanita Myers

Address: Employment Security Dept.

POB 9046

Olympia, WA 98507-9046

phone (360) 902-9665 \_\_\_\_\_

fax (360) 902-9799 \_\_\_\_\_

e-mail jmyers@esd.wa.gov

☐ No: Please explain: